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Montserrat

Working paper prepared by the Secretariat

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I. General

1. Montserrat is a Non-Self-Governing Territory administered by the United Kingdom of Great Britain and Northern Ireland. The Territory was named after a Spanish monastery by Christopher Columbus on his second voyage to the island in 1493. In 1632, the island became a British colony. Its first settlers were largely Irish. Sugar production dominated the island's economy during the seventeenth and eighteenth centuries. Slaves who worked the cotton and sugar plantations were unsuccessful in historic uprisings in the late 1700s. Slavery was abolished in 1834. Meanwhile, after two brief occupations by France, British rule resumed in 1783 and Montserrat became a British Crown Colony in 1871. From 1871 to 1958, Montserrat was administered as part of the Federal Colony of the Leeward Islands, and from 1958 to 1962, it formed part of the Federation of the West Indies. Following the dissolution of the Federation in 1962, Montserrat elected to retain its status as a Crown Colony.

2. Montserrat is situated in the Leeward Islands in the eastern Caribbean, 43 kilometres south-west of Antigua and 64 kilometres north-west of Guadeloupe.

3. The island covers an area of 103 square kilometres. Montserrat is volcanic and very mountainous, with a rugged coastline. There are three mountain ranges: Silver Hills in the north, Centre Hills and the Soufrière Hills in the south. There are hot springs, ravines, black sand beaches and a white sand beach in the north. The vegetation is tropical.

4. In July 1995, the Soufrière Hills volcano, dormant for more than 400 years, erupted with devastating effects and caused the relocation of residents and the evacuation of about 70 per cent of the population from the southern part of the island to the north. The effects of that eruption are still being strongly felt. Montserrat's capital, Plymouth, was abandoned in 1997 after the volcanic activity rendered it uninhabitable. A new town is being developed at Little Bay in the north.

5. The population of the Territory, which reached a peak of 14,333 in 1946, fell after the devastating volcanic eruption in 1995. An estimated 8,000 refugees left the island following the resumption of volcanic activity in July 1995, of whom some have returned.[1] The overall decline since 1995 in the population figures was attributed to a relocation programme instituted by the territorial and United Kingdom Governments as a means of solving social and economic problems brought on by volcanic activity, and the relocation of residents. The highest proportion of emigrants was from those under 30 years of age. In 2008, the British Virgin Islands gave certificates of residence to 28 citizens of Montserrat.[2] It was the first time citizens of Montserrat had been given such certificates. In 2008, the population of Montserrat was estimated at slightly over 5,000,[1] compared to 4,493 in 2001, 10,639 in 1991 and 11,606 in 1980. The promotion of population growth remains on the agenda of the territorial Government.[3]

Note: The information contained in the present working paper has been derived from published sources, including those of the territorial Government, and from information transmitted to the Secretary-General by the administering Power under Article 73 *e* of the Charter of the United Nations.

[1] Central Intelligence Agency, *The World Factbook*, available from www.cia.gov.

[2] See www.caribbeannetnews.com.

[3] Chief Minister, 28 March 2008 budget statement, available from www.themontserratreporter.com.

II. Constitutional, political and legal issues

6. Under the Montserrat Constitution Order 1989, which came into force in February 1990, Montserrat has a Governor appointed by the British monarch, an Executive Council, and a Legislative Council.

7. The current Governor of Montserrat, Peter Waterworth, took office in July 2007. The Governor retains responsibility for internal security (including police), external affairs, defence, public service and offshore finance. The territorial Government has asked the United Kingdom to support its request for the appointment of Montserrat's first indigenous Deputy Governor, one of a number of suggested constitutional recommendations that are elaborated on below. Until the details are finalized, a Chief Executive Officer has been appointed in the interim. No information on progress was reported in 2008 on the appointment of the first indigenous Deputy Governor of Montserrat.

8. Further, under the Constitution, the British monarch reserves the power, with the advice of the Privy Council, to make laws for the peace, order and good government of Montserrat.

9. The Executive Council currently comprises four Ministers (three men and one woman), as well as the Attorney General and a Financial Secretary. It is presided over by the Governor and has responsibility for the general control and direction of government.[4]

10. The Legislative Council consists of nine members. Following elections in 2006, there are three female members along with six male members.

11. Elections are held in Montserrat every five years on the basis of universal adult suffrage. The last elections were held on 31 May 2006, using a single-constituency "first past the post" arrangement. According to the administering Power, 3,331 voters were registered and 2,486 votes were cast: a 77 per cent voter turnout (78 per cent in 2001). No party won a clear mandate, and a coalition Government headed by Chief Minister Lowell Lewis (Montserrat Democratic Party) was formed. In November 2008, the Chief Minister formed a new Government when he and one former minister joined with the opposition, which held four seats. The next elections are due in 2011.[4]

12. On 23 October 2008, the leader of the opposition filed a no-confidence motion against the Chief Minister. According to the leader of the opposition, as reflected in reports in the media, the leadership of the Chief Minister had created an untenable situation characterized by bad management and erratic behaviour, especially with regard to the management of the economic affairs of the Territory. Moreover, he expressed fears that under the leadership of the Chief Minister, the administering Power would seize the opportunity to take on a more direct role in the governance of the Territory.[2] On 11 November 2008, it was announced that the Chief Minister had avoided action on the no-confidence motion against his Government by agreeing to relinquish the economic development portfolio. In a special Legislative Council sitting, the Chief Minister made known his agreement with the arrangement, which also transferred the related responsibilities to the Minister of Agriculture and Trade.[2]

[4] Information provided by the administering Power on 13 January 2009.

13. The law of Montserrat comprises English common law and locally enacted legislation. It is administered by a Magistrates Court and the Eastern Caribbean Supreme Court. The Eastern Caribbean Supreme Court (Court of Appeal) is an itinerant court established under the West Indies Associated States Supreme Court Order No. 223 of 1967, whose sittings rotate among the Court's nine member States of the Court, including Montserrat.[5] Cases handled by the Supreme Court have recourse of final appeal to the Judicial Committee of the Privy Council. In the context of a review, the administering Power reaffirmed in September 2008 that the terms and conditions of employment of the Chief Justices were a matter for the Organization of Eastern Caribbean States (OECS), not the United Kingdom.[6]

14. A new commercial court is under construction in the British Virgin Islands, which is expected to be completed by May 2009. The Commercial Court would serve predominantly the Eastern Caribbean jurisdictions, including Anguilla, the British Virgin Islands and Montserrat.[7]

15. As previously reported (see A/AC.109/2008/16, para. 13), the basis of the relationship between the Government of the United Kingdom and its Overseas Territories, including Montserrat, is set out in the white paper entitled "Partnership for Progress and Prosperity: Britain and the Overseas Territories" (see A/AC.109/1999/1, annex) which recognized that the constitutions of the Territories needed to be kept up to date.

16. A Constitutional Review Commission was set up in 2002 under the chairmanship of Sir Howard Fergus. In February 2003, the Governor was presented with the Commission's report, including recommendations for a number of changes to the Constitution. For instance, the report concluded that the proposed change from the imposition of the candidate by the United Kingdom to a more cooperative approach in choosing a Governor would have positive symbolic significance. That report was debated in the Legislative Council in April 2005.

17. The first round of talks between the territorial Government and the Foreign and Commonwealth Office took place in Montserrat in September 2005. A second round of discussions between Montserrat, involving all Legislative Council members, and a United Kingdom Government team took place in February 2006, followed by additional formal and informal talks in 2006, 2007 and 2008.

18. As previously reported (see A/AC.109/2008/16, para. 18), in March 2008, responding to inquiries from the public about the position of the territorial Government as regards constitutional reform and in an effort to keep the public informed of developments, the Chief Minister announced that the constitutional review process had been postponed until later in the year. According to the Chief Minister, the reason that a postponement had been requested by the territorial Government was that more time was needed. He further stated that ultimately he sought a "pre-independence constitution", emanating from the people of Montserrat themselves, which would allow the Territory to eventually become independent once economic conditions permitted.[2]

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[5] See http://eccourts.org/index.html.

[6] Seventh Report of the Foreign Affairs Committee, Session 2007-08, Overseas Territories, response of the Secretary of State for Foreign and Commonwealth Affairs, September 2008, Cm 7473, page 22, available from www.fco.gov.uk.

[7] MENA News from Al-Bawaba via COMTEX News Network.

19. Meanwhile, media reporting indicated that there was a growing realization that the only constitution Montserrat would be able to achieve was one that was based "not [on] free association, but independence". According to the reporting, this growing realization could be considered one of the reasons that progress in the review exercise was slow.[8]

20. The Chief Minister stated in 2008 that the key achievement in the governance programme of the territorial Government would be the successful negotiation of a new constitution with the United Kingdom. The new constitution would give more autonomy to the territorial Government, establish processes that would enhance governance in the Territory and retain the right of the people of Montserrat to advance self-determination. Such a constitution was to be regarded as a "pre-independence constitution", to serve the people of the Territory until they wish to take the next step.[3]

21. Building on progress made at earlier rounds, the discussions that took place in Montserrat in March 2008 yielded further results and, according to the administering Power, negotiations reached a very advanced stage.[9] However, as previously reported (see A/AC.109/2008/16, para. 15), according to the administering Power it was still valid that the constitutional revision process of the Territory did not completely reflect the aspirations and desires of the Montserrat public, which included calls for a dialogue on free association.[4]

III. Budget

22. The Montserrat public sector continues to be dependent on budgetary aid from the administering Power.[9] Delivering the budget speech in March 2008, the Chief Minister stated that the total budget of Montserrat for 2008 was EC$ 142.2 million.[10] The total amount available for development purposes in the 2008 financial year was EC$ 46.1 million, with approximately EC$ 3.7 million funded through local sources.[3]

23. According to the administering Power, for the period 2008-2010, the United Kingdom Department for International Development has made an allocation of 58 million pounds sterling (£) available to Montserrat. The Territory also benefits from various resources made available by the United Kingdom to its Overseas Territories to strengthen disaster management capacity, security and safety at port and airport facilities, capacity for law enforcement and prison management, environmental protection, development of the private sector and the promotion of human rights.[4]

24. As previously reported (see A/AC.109/2008/16, para. 22), the ninth allocation of five-yearly funds under the European Development Fund (EDF) provided Montserrat with two tranches equalling approximately €17 million in budgetary assistance to the services sector, in particular on tourism and communication

[8] See www.themontserratreporter.com.

[9] Information provided by the administering Power on 13 January 2009 and United Kingdom statement shared with the 2008 United Nations Regional Seminar on decolonization held in Bandung, Indonesia.

[10] Montserrat's currency is the Eastern Caribbean dollar (EC$), which is aligned with the United States dollar (US$) (EC$ 2.70).

technologies services. Under the tenth allocation of the Fund, Montserrat received an allocation of €15.6 million.[11]

25. In 2008, the Government of Trinidad and Tobago and the Caribbean Community (CARICOM) secretariat continued providing assistance to Montserrat through the Petroleum Stabilization Fund of CARICOM.[3]

IV. Volcanic activity and the environment

26. Following the eruption of the volcano on Montserrat in 1995 after centuries of dormancy, in October 1996, the Territory was successively divided to create an exclusion zone comprising roughly the southern two thirds of the island. As previously reported (see A/AC.109/2008/16, para. 25), in February 2007, evacuation alerts were issued for residents of Bishop Lane and an area south of Old Towne. The evacuation orders were revoked in July 2007 following a marked decrease in activity. In the latter part of 2007, there remained a large mass of material on the dome, and scientists believed this to be a sign of a pause rather than a complete cessation of volcanic activity. Volcanic activity recommenced in the second half of 2008, resulting in new evacuation from the same area on 2 January 2009.[4] At the same time, volcanic activity produces a wealth of ash, sand, pumice and aggregates that can be mined and collected for domestic use and export when the level of volcanic activity is low.

27. In regard to other environmental issues, during 2008, the territorial Government spearheaded the development of a broadly supported national energy policy; developed a biodiversity research protocol for the island; continued its long-term monitoring programme for flora, forest birds, reptiles and amphibians; began the development of a climate change adaptation strategy and public education and outreach programme; set standards for Territory ecotourism product development; and identified the distribution and extent of key invasive species and developed strategies for their management.[12] The Territory budget statement of March 2008 stated that the Government would pursue the development of alternative sources of energy, including geothermal, wind and solar.[3]

28. In August 2008, the British Virgin Islands hosted a climate change training workshop in collaboration with the Caribbean Community Climate Change Centre, in which Montserrat participated. The purpose of the climate change vulnerability and capacity assessment methodology workshop was to train a multidisciplinary team from Anguilla, Cayman Islands, Montserrat, Turks and Caicos Islands, and the British Virgin Islands in assessing the vulnerability of the tourism sector to climate change.[2]

29. In the context of the Overseas Territories Consultative Council meeting held on 28 and 29 October 2008 in London, the Territory agreed to work to address the potential impact of climate change in the Overseas Territories of the United Kingdom and to promote sustainable environmental policies in the Territories with

[11] See http://ec.europa.eu.

[12] Information provided by the administering Power on 13 January 2009.

additional support from the United Kingdom Department for the Environment, Food and Rural Affairs.[13]

30. Hurricane Omar brought tropical storm conditions to Montserrat during the night of 15 October 2008.[14] Subsequently, the Disaster Management Coordination Agency of the Territory carried out damage assessments and found that damage was minimal.[15]

V. Economic conditions

A. General

31. The gross domestic product (GDP) of Montserrat reached approximately EC$ 123 million and the per capita GDP was EC$ 20,598 in 2007, the most recent figures available. According to an International Monetary Fund mission to the Territory in February 2009, economic growth in Montserrat was approximately 3.5 per cent in 2008.[16]

32. As previously reported (see A/AC.109/2008/16, para. 27), the economy of Montserrat is dominated by public sector-led investments and projects. Volcanic activity and hurricane damage, the resultant movement of population and commercial centres and the attendant socio-economic difficulties continue to create tremendous difficulties for Montserrat. As spelled out in the previous section, budgetary aid from the United Kingdom, as well as other assistance, have been needed since 1995 to support Government programmes.[16] The economy has approximately 200 business establishments, large and small, in its private sector. Just over 25 per cent of business is involved with the provision of financial, professional, personal and other household services.[17]

33. In 2008, the Chief Minister stressed that the Government approach to public expenditure included the following private-sector-oriented development areas: working with as many businesses as possible, outsourcing technical work and approved services to competent local firms, easing the burden of tax arrears for individuals and businesses, rewarding individuals and businesses who make substantial investments in the economy, improving the facilitation of investments to the island and devising clear policies and programmes for the development of the private sector.[3]

34. Also in 2008, the territorial Government initiated a process to strengthen the Montserrat Development Corporation to a level where it could provide one-stop shopping for investment on the island and provide business facilitation services, with a view to ensuring that large foreign direct investments were dealt with expeditiously. That process is expected to be completed in 2009.[3]

[13] See www.fco.gov.uk.

[14] See travel advice, available from http://www.fco.gov.uk.

[15] See www.reliefweb.int.

[16] See www.gov.ms.

[17] See http://www.devunit.gov.ms.

B. Agriculture

35. As a result of the ongoing volcanic crisis, the majority of fertile agricultural lands, pasture and fishing areas are either restricted or inaccessible. According to the *Economic Survey of the Caribbean 2007-2008*, the performance of the agriculture sector in Montserrat was disappointing.[18]

36. According to the territorial Government, in 2008, arrangements were made by the Montserrat Ministry of Agriculture to advance an import substitution programme to reduce reliance on imported agricultural products. The agriculture feeder roads and the small business grants to young farmers during 2007-2008, financed by the CARICOM Petroleum Stabilization Fund, had significantly increased both the area cultivated and the productivity of farmers working in the Duck Pond, Dick Hill and Blakes Mountain areas. The activities were meant, inter alia, to provide the foundation for the establishment of a food processing laboratory that is expected to improve the shelf life of products produced locally.[3]

C. Financial services

37. Two commercial entities, the Bank of Montserrat and the Royal Bank of Canada, as well as several offshore banks, continue to operate in Montserrat, providing a range of banking facilities. There has been no activity for the past few years in regard to the incorporation of new banks.[19] Montserrat is a member of the Eastern Caribbean Central Bank, which is based in the neighbouring island of St. Kitts and acts as central bank for Montserrat. Among other functions, the Bank monitors the commercial banks' reserves. Montserrat is part of the Eastern Caribbean Stock Exchange. Montserrat is also a member of the Caribbean Financial Action Task Force, the body that monitors anti-money-laundering and the countering of financing for terrorism in the region.[4]

38. The United Kingdom Foreign Affairs Committee report issued in July 2008 stated, inter alia, that the United Kingdom was directly responsible for money-laundering-related regulation in the Territory.[20] In that connection, the administering Power indicated subsequently that action was in hand to produce modern crime legislation in both Anguilla and Montserrat.[21]

39. As previously reported (see A/AC.109/2008/16, para. 34), individual residents in the Territory are taxed on their worldwide income, from all sources. Also, tax is levied and collected on the chargeable income paid by any incorporated company, building society or body of persons. Companies pay a 30 per cent tax on profits. There is no capital gains tax in Montserrat.[22]

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[18] *Economic Survey of the Caribbean 2007-2008*, available from http://www.eclac.cl/cgibin/getProd.asp?xml=/publicaciones/xml/4/33844/P33844.xml&xsl=/portofspain/tpl-i/p9f.xsl&base=/portofspain/tpl/top-bottom.xsl.

[19] See http://www.devunit.gov.ms/banking.htm.

[20] See Foreign Affairs — Seventh Report, available from www.publications.parliament.uk.

[21] See Seventh Report of the Foreign Affairs Committee Session 2007-08 Overseas Territories, Response of the Secretary of State for Foreign and Commonwealth Affairs, September 2008, Cm 7473, page 28, available from www.fco.gov.uk.

[22] See http://www.devunit.gov.ms/company.htm.

D. Tourism

40. The redevelopment of the tourism industry continues to be a priority of the territorial Government. Tourism, once the most significant contributor to the local economy, the tourism industry has been a major casualty of the island's ongoing volcanic activity. According to Caribbean Tourism Organization statistics for 2008, 251 cruise passenger and 7,360 tourist arrivals were registered in Montserrat, constituting an 8.1 per cent and a 5 per cent decrease, respectively, compared to the previous year.[23] However, as previously reported (see A/AC.109/2008/16, para. 36), Montserrat is trying gradually to turn the fact that it has an active volcano into a selling point, inter alia, by promoting adventure tourism. For instance, since the pristine waters of Montserrat remained untouched for a period of time during and following the volcanic eruptions, allowing a resurgence of underwater life, the tourist sector promotes those conditions for sport-fishing.[2]

41. In 2008, the territorial Government decided to approve investments totalling over EC$ 5 million in tourism-related projects.[3] According to the administering Power, tourism is expected to rebound in the coming years, with external funding for a three-year tourism development programme, valued at EC$ 15.5 million, to commence in early 2008. The project components include a number of marketing and promotional initiatives intended to increase the profile of Montserrat in the international travel marketplace. The project also seeks to implement several product development activities, such as enhancement of hiking trails, improvement of beach facilities and the preservation of historical sites and buildings.[4]

42. Ferry service between Antigua and Montserrat resumed in December 2008 after a hiatus of three and a half years. During 2008, scheduled air services were available through the St. Maarten-based airline Winair, which operates several daily flights from Antigua. Moreover, air charters can be booked on fixed-wing aircraft and helicopters based in Antigua.[5]

E. Construction and housing

43. In 2007, the construction sector, which is a major contributor to economic activity in Montserrat, declined by approximately 11 per cent.[18]

44. As previously reported (see A/AC.109/2008/16, para. 39), two public sector projects, the housing development project in Look Out (funded by the European Union and the public market) and the Little Bay development project (a four-phase project to be completed over a 10-year period with assistance from the United Kingdom and the European Union), were under way during 2008. The Little Bay development project, implemented under the aegis of the Montserrat Development Corporation, aims at establishing an economic, social, cultural, residential, business and administrative centre for the Territory. The project includes the development of infrastructure for the town centre, the design and tendering for the new port at Little Bay and reconstruction of the main roads from Belham in the south to Look Out community in the north.[24] It is expected to generate over EC$ 60 million for the economy of the Territory over the next three years.[3]

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[23] Caribbean Tourism-latest statistics, available from www.onecaribbean.org.

[24] See www.caribbeannetnews.com and http://www.mondevcorp.com/master.swf.

45. In 2008, the territorial Government announced the establishment of a housing assistance programme to remove people from emergency shelters, house vulnerable people within the community and assist people to qualify for mortgages from financial institutions.[3] For instance, in the beginning of June 2008, the Government started a housing project construction at Sweeney's. The territorial Government committed to providing satisfactory housing for people who live in substandard or inappropriate living conditions, with a view to emptying the emergency shelters opened right after the volcanic eruptions of 1995.[2]

46. The territorial Government has indicated that housing remains a major problem for people who have lost their homes or have no access to properties that have been evacuated in Plymouth and its environs. Those people have been paying rent or, in some cases, paying a mortgage for the home in the evacuated area in addition to a mortgage for a home in the north of the island, while others have abandoned their mortgages and left the Territory. Consequently, the Government of Montserrat has agreed to write off the equivalent of $2.9 million owed by such people and notified the Bank of Montserrat accordingly.[3]

F. Utilities and communication

47. In a process begun in 2007, the Montserrat Electricity Services and the Montserrat Water Authority are gradually being merged to become Montserrat Utilities Limited, which will be responsible for the distribution of water and electricity throughout the inhabited portion of the Territory. Since February 2009, residents of Montserrat have been receiving detailed explanations about the merger of the two service companies through a radio and television campaign.[25]

48. As previously reported (see A/AC.109/2008/16, para. 42), the entire population has access to Montserrat's plentiful supply of good potable water (about 98 per cent of residents are linked). The Montserrat Water Authority takes water from springs high in the mountains, treats it lightly and then stores and distributes it to customers through its network of pipes and reservoirs. It also has responsibility for sewage treatment in some areas, notably Look Out and Davy Hill.[26]

49. With regard to the communications sector, the territorial Government indicated in 2008 that telecommunications development was seen as critical for the development of the Territory and that legislative efforts in that regard were under way. As a result of the intended liberalization of the telecommunications sector, the territorial Government has held meetings with Cable & Wireless and had expressions of interest and proposals from other providers.[27]

50. As previously reported (see A/AC.109/2008/16, para. 43), electronic mail is widely used, making communications relatively easy. Asymmetric digital subscriber line is gradually being introduced. There is a regular mail service between Montserrat and all countries.

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[25] See www.giu.gov.ms.

[26] See http://www.mul.ms/about%20us.html.

[27] Chief Minister, 28 March 2008 budget statement, available from www.montserratreporter.com; http://www.caribbean-investment.org/news/2008/03/28/205/.

51. In July 2008, the territorial Government made it known that EC$ 1.5 million would be allocated to build a two-storey building for Montserrat's ZJB public radio.[2]

VI. Social conditions

A. General

52. The volcanic crisis has had a profound effect on traditional social structures and support systems, with many families and communities split up and relocated to various parts of the world. In 2008, the Montserrat social security programme was being reformed in order to achieve sustainability in the longer term. The territorial Government indicated that the changes included raising the retirement age, modifying the short- and long-term benefit accrual rates and restructuring the various benefits to reflect local circumstances.[2]

53. The territorial Government stated that the estimated expenditure for statutory payments, including loan repayments, pensions, social security and tax refunds, was approximately EC$ 12 million.[3]

54. According to the territorial Government, its social welfare services function focuses on the needs of the most vulnerable persons, including the elderly, the mentally challenged, the physically challenged, children and low-income households. Social welfare services in Montserrat include monthly financial assistance, rental assistance and one-time assistance for items such as food, school lunch, school supplies, utilities and essential household equipment, as well as burials. All social welfare assistance cases are "means-tested" to determine the individual's or household's financial situation and whether they qualify for assistance or are able to help themselves.[28]

B. Labour

55. According to the administering Power, the working population of Montserrat stands at about 2,500, comprising approximately 40 per cent nationals and 60 per cent non-nationals. Montserrat maintains a positive industrial relations climate, within which every effort is made to ensure that workers, unions, employees and other stakeholders in the economy work together to achieve national development goals. Labour relations are governed by the Employment Act (Revised 2002), under which the Labour Department continues to provide mediation and conciliation services, with the Labour Tribunal settling disputes.[4]

56. According to the administering Power, following the offer of the territorial Government in 2007 to provide fiscal incentives for returning nationals who had resided elsewhere for three or more years, a programme of rehousing was launched in 2008 to assist with the repatriation of Montserratians.[4] As previously reported (see A/AC.109/2008/16, para. 48), the territorial Government said persons eligible under that policy would be granted a variety of tax incentives.[2]

[28] Ministry of Health and Community Services, http://manishval.com/moh/?page_id=45.

57. The continuing shortage of skilled labour is being addressed by granting work permits to non-nationals. The granting of work permits is covered under the Immigration Act 2002. The territorial Government facilitates the active recruitment of skilled labour, both professional and otherwise, to meet demand.[4]

58. During 2008, the territorial Government began work to revisit population, labour and immigration policies with a view to encouraging population growth. The policies would be designed to be sufficiently flexible to cover persons from other countries who wished to work in Montserrat and abide by its laws.[3]

C. Education

59. The Montserrat Department of Education is responsible for the development and provision of educational and training programmes intended to enable its citizens to acquire skills that can contribute positively to the future of the Territory.[29] Estimated expenditure on education was budgeted in 2008 at approximately EC$ 8.3 million.[3] In July 2008, the territorial Government notified Montserratians of its intent to meet the economic costs of private students attending the University of the West Indies,[2] as it continues to implement the Education Development Plan covering the period 2004-2009. For its part, the Bank of Montserrat announced in November 2008 the launch of a scholarship assistance programme to cover most of the expenses of two sixth-graders entering secondary school.[2]

60. As previously reported (see A/AC.109/2008/16, para. 51), Montserrat has educational infrastructure that provides 100 per cent access to primary and secondary education. The Montserrat education system is broadly based on the British system. The Department of Education is structured into several specialized organizational segments: Early Childhood Education, Primary Education, Secondary Education, Post-Secondary Education, Special Needs, Teacher Training, as well as Education Support Services. There are several Government day-care facilities and nursery schools, and one privately owned early childhood facility. Of the three primary schools, one is privately owned. The Government-owned Montserrat Secondary School is the only secondary school.[30] In February 2009, an early childhood education centre was opened in Salem, located on the compound that was once the Salem primary school.[31]

61. Efforts began in 2008 towards the construction of a national library and archives, with the intention of completing the facilities by 2010.[3]

D. Health

62. The Department of Health of the Territory is responsible for providing primary and secondary health services to Montserrat, along with health-related policy advice to the territorial Government.[32] Estimates in 2008 put life expectancy in the Territory at 72.6 years for the whole population, approximately 74.7 years for males and 70.4 years for females.[1]

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[29] See www.mehcs.gov.ms.

[30] See www.mehcs.gov.ms/Education/schools.htm.

[31] See http://www.themontserratreporter.com/index.pl/article_local?id=2558604.

[32] See http://manishval.com/moh/?page_id=37.

63. The estimated expenditure on health care was budgeted in 2008 at EC$ 15.7 million.[3] During 2008, the territorial Government has continued to provide medical assistance on- and off-island for people in need, including foster children, covering areas such as general medical care, surgical care, diagnostic testing, eye and ear care and medication.[28] It continues to offer free dental clinical emergency services for school-age children, the elderly, pregnant women and certain Government staff.[33]

64. As previously reported (see A/AC.109/2008/16, para. 53), Montserrat has health facilities that include the 30-bed St. John's Hospital in the north, which is able to cover all routine health issues, X-rays and minor operations, as well as several primary care clinics. Arrangements are in place for emergency medical evacuation to Antigua and Guadeloupe. In 2008, the Ministry of Health of the Territory began work on the development of a new and improved hospital facility. The wards and other departments will be built in a phased manner, gradually replacing some of the existing buildings. Health staff were given an opportunity to offer their input into the process.[34]

65. In July 2008, the territorial Government received medical equipment from the Government of Gibraltar, which included physiotherapy and radiology equipment, general medical equipment, sundry items and specialist equipment such as anaesthesia delivery units.[2]

E. Human rights

66. Under the Constitution of the Territory, provision is made regarding the fundamental rights and freedoms of the individual.[35] As previously reported (see A/AC.109/2008/16, para. 55), the following international human rights instruments were extended to Montserrat: the European Convention on Human Rights; the International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Rights of the Child; and the International Convention on the Elimination of All Forms of Racial Discrimination. According to the administering Power, there is no discrimination on the basis of sex in the implementation of articles 2 and 3 of the International Covenant on Civil and Political Rights.

67. In 2008, the territorial Government signed the United Nations Children's Fund Country Programme Action Plan 2008-2011, which seeks to promote mutual agreement and cooperation for the fulfilment of the Convention on the Rights of the Child, and the Convention on the Elimination of All Forms of Discrimination against Women.[2]

68. Montserrat's human rights committee, established by the Executive Council, helps fulfil the territorial Government's responsibilities in meeting the reporting requirements under various international conventions; monitors the implementation of the relevant conventions; and advises the Government on matters related to human rights.

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[33] See http://manishval.com/moh/wp-content/uploads/2008/11/Health_Services_Available.ppt.

[34] See http://manishval.com/moh/?p=114, Ministry of Health and Community Services.

[35] See www.opsi.gov.uk.

69. In August 2008, stakeholders met in the Turks and Caicos Islands with the Caribbean human rights coordinator of a four-year project carried out since 2007 by the Commonwealth Foundation, the Commonwealth Legal Education Association and the Commonwealth Human Rights Initiative. The project is funded by the Department for International Development of the United Kingdom and the British Foreign and Commonwealth Office, with the view to help the Overseas Territories of the United Kingdom conform with international standards concerning human rights obligations and develop related action plans.[2]

F. Crime and public safety

70. In 2008, the territorial Government allocated approximately EC$ 10.5 million to fund the judiciary and internal security services (police, legal, magistracy, supreme court).[3]

71. Under the Parole of Prisoners Act 2004, a Parole Board reviews cases for release into the community on licence, and makes recommendations to the Governor. Criminal offences are dealt with under the Penal Code of Montserrat, revised in 2002.[4]

72. The Royal Montserrat Police Force has a fully functioning police headquarters within the Government headquarters complex at Brades, as well as two substations and a marine unit. The five-year strategy of the Royal Montserrat Police Force places emphasis on neighbourhood policing, intelligence-led policing, crime reduction and prevention and partnership in the criminal justice system.[4]

73. According to the administering Power, concerns about the rise in youth crime and lack of discipline remain constant and are being responded to by the introduction of a territorial Government department for youth issues and the establishment of specific cross-departmental strategies. The influx of new communities to the island has provided renewed challenges that have yet to be fully addressed. The year 2008 saw a significant increase (over 200 per cent) in crimes of acquisition, particularly burglary. At the same time, the opportunity for forensic development and success was limited and dependent on expensive overseas analysis.[4]

74. Public safety remains a priority for the police and fire services, in particular their responsibilities with regard to monitoring the exclusion zone and the provision of a search and rescue team. The number of road traffic accidents is increasing each year. Moreover, in view of a long period of drought, enforcement officers are expected to be vigilant in ensuring that members of the public act in a manner that would not lead to major fire hazards.[4]

VII. Relations with international organizations and partners

75. Montserrat is an associate member of the Economic Commission for Latin America and the Caribbean and its subsidiary bodies. The Territory receives some support from the United Nations Development Programme.

76. Montserrat is a member of CARICOM and OECS, as well as of the institutions associated with those organizations, including the University of the West Indies, the Caribbean Development Bank and the Eastern Caribbean Central Bank.

77. According to the administering Power, Montserrat has expressed a desire to participate in the CARICOM Single Market and Economy.[3] By June 2008, no agreement had been reached between the United Kingdom and Montserrat on the matter.[2] In response to a question to the Secretary of State for Foreign and Commonwealth Affairs as to whether he had agreed to the request of the Chief Minister of Montserrat for the island's accession to the CARICOM Single Market and Economy, Parliamentary Under-Secretary of State Meg Munn replied on 9 July 2008 that she had written to the Chief Minister on 12 June 2008 regarding the matter. The Parliamentary Under-Secretary of State had suggested, inter alia, that the Government of Montserrat defer the question of accession for two years or until such time as levels of economic activity and capacity were sufficiently enhanced to enable Montserrat to take full advantage of the benefits of membership.[36]

78. In July 2008, heads of Government of the CARICOM member States expressed their deep disappointment that the Government of the United Kingdom had denied the request of Montserrat for an entrustment which would enable that CARICOM member State's participation in the CARICOM Single Market and Economy. Heads of Government urged the Government of the United Kingdom to review its position on the entrustment.

79. In October 2008, it was reported that Montserrat would join consultations held by OECS member States on a proposed economic union to be carried out in 2009.[37] In that connection, it was announced that the OECS secretariat was embarking on several initiatives to develop enhanced support systems for the proposed union. One such initiative is a collaborative undertaking with the Caribbean Subregional Office of the International Labour Organization (ILO) to develop and implement an OECS labour market information system.[2]

80. As a Non-Self-Governing Territory of the United Kingdom, Montserrat is associated with the European Union but is not a part of it. According to information provided by the administering Power, Montserrat is considering joining the Caribbean Economic Partnership Agreement, which is a trade agreement recently negotiated between CARICOM and the European Union.

81. In the context of the Overseas Territories Consultative Council meeting held on 28 and 29 October 2008, the territorial Government agreed upon the target date of October 2009 for the extension of ILO Convention No. 182 on the worst forms of child labour and the Convention on the Elimination of All Forms of Discrimination against Women, and to consider the options available to meet international obligations on sexual orientation.[38]

[36] See http://www.publications.parliament.uk/pa/cm200708/cmhansrd/cm080709/text/80709w0023.htm.

[37] See www.oxan.com, Oxford Analytica.

[38] See www.fco.gov.uk.

VIII. Future status of the Territory

A. Position of the territorial Government

82. The position of the Government of Montserrat on constitutional reform is set out in section II above, which deals with the ongoing constitutional negotiations between Montserrat and the Government of the United Kingdom.

B. Position of the administering Power

83. In a statement made on 6 October 2008 before the Special Political and Decolonization Committee (Fourth Committee) during the sixty-third session of the General Assembly, the representative of the United Kingdom said, inter alia, that the relationship of her Government with its Overseas Territories was based on partnership, shared values and the right of each Territory to determine if it wished to retain its link to the United Kingdom, where applicable. Her Government had no intention of imposing independence against their will (see A/C.4/63/SR.2).

84. She referred to various constitutional review processes that had been undertaken, aimed at providing a modern constitutional framework to reflect the specific circumstances of each Territory. Provisions relating to good governance, human rights and the roles of the Governor and locally elected politicians had been updated. She stated that her Government's support for the Territories focused on capacity-building and sustainable development, and indicated that the United Kingdom continued to work with the Territories, as appropriate, in areas such as political and economic transparency, security, reduction of vulnerability to natural and non-natural disasters and environmental management.

85. In a paper dated 8 May 2008, sent to the Chair of the Special Committee for circulation at the Pacific regional seminar on decolonization held in Bandung, Indonesia, later that month, the United Kingdom similarly set out its position,[39] as based on the 1999 white paper entitled "Partnership for Progress and Prosperity: Britain and the Overseas Territories" (see A/AC.109/1999/1, annex). The paper also addressed the status of various constitutional review processes undertaken in the framework of the white paper.

C. Action taken by the General Assembly

86. On 5 December 2008, the General Assembly adopted, without a vote, resolutions 63/108 A and B, based on the report of the Special Committee transmitted to the General Assembly[40] and its subsequent consideration by the Special Political and Decolonization Committee (Fourth Committee) (A/63/408). Section VII of resolution 63/108 B concerns Montserrat. Under that section's operative paragraphs, the General Assembly:

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[39] The full statement can be found at: http://www.un.org/depts/dpi/decolonization/regional_seminars_statements_08/united_kingdom.pdf.

[40] *Official Records of the General Assembly, Sixty-third Session, Supplement No. 23* (A/63/23).

"1. *Welcomes* the efforts of the territorial Government to continue to negotiate improvements to the Constitution of the Territory so as to preserve its ability to move towards greater self-determination at a later stage;

"2. *Requests* the administering Power to assist the Territory by facilitating its work concerning public outreach efforts, consistent with Article 73 *b* of the Charter of the United Nations and, in that regard, calls upon the relevant United Nations organizations to provide assistance to the Territory, if requested;

"3. *Calls upon* the administering Power, the specialized agencies and other organizations of the United Nations system, as well as regional and other organizations, to continue to provide assistance to the Territory in alleviating the consequences of the volcanic eruption."